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FILED

FEB - 4 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

12 UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION
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12 UNITED STATES OF AMERICA,
13 Plaintiff,

14 vs.

15 DAVID LOUIS BEHAR, LINDSAY
16 ROBIN HOGUE, TARA
17 BERGSTRAND, and JOHN ROGER
18 LAGACE,
19 Defendants.

CASE NO. CR 07-70709 HRL

STIPULATION TO CONTINUE
HEARING; ~~proposed~~ ORDER

20 IT IS HEREBY STIPULATED, by Defendants and the government, through
21 their respective counsel that, subject to the Court's approval, the hearing date
22 in the above-captioned matter, presently set for Thursday, February 7, 2008,
23 at 9:30 am, be continued to Thursday, February 21, 2008. The continuance
24 has been requested because the parties need time to discuss settlement.

25 The parties further agree and stipulate that the period of time from
26 February 7, 2008 through and including February 21, 2008, should be excluded
27 pursuant to Speedy Trial Act, 18 U.S.C. §3161. Accordingly, the United States
28 and the defendants agree that granting the requested exclusion of time will

1 serve the interests of justice and outweigh the interest of the public and
2 defendants in a speedy trial.

3
4 DATED: January 31, 2008 CAREY & CAREY

5
6 /s/
7 JERRY Y. FONG, Attorneys for
8 JOHN ROGER LAGACE

9 DATED: 1/31, 2008

10 /S/
11 PETER LEEMING
12 Attorney for Mr. Behar

13 DATED: 1/29, 2008

14 /s/
15 MANUEL ARAUJO
16 Attorney for Ms. Bergstrand

17 DATED: 1/29, 2008

18 /s/
19 GEOFFREY BRAUN
20 Attorney for Ms. Hogue

21 DATED: 1/29, 2008

22 /s/
23 JEFFREY B. SCHENK
24 Assistant U.S. Attorney

25 ORDER

26 The parties have jointly requested a continuance of the hearing set for
27 February 7, 2008.

28 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
presently set for February 7, 2008, be continued to February 21, 2008, at 9:30
am, as well as the period of delay from February 7, 2008 to and including

1 February 21, 2008, be excluded for purposes of Speedy Trial Act computations
2 pursuant to 18 U.S.C. §3161.

3 IT IS SO ORDERED.

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5 DATED: 2/1, 2008


6 HOWARD R. LLOYD
U.S. Magistrate Judge